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12/21/2006

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EXAMINER

LEVITAN, DMITRY

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Amendment, filed 11/27/06, has been entered. Claims 1-21 remain pending.

Claim Rejections - 35 USC § 103

1. Claims 1-4, 8-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan (US 6,529,475).

Wan teaches a method, a system and computer program product of determining whether to accept an incoming IP telephone call over IP network (real time VoIP network on Fig. 1 and 2, compatible with H.323 standard including Internet and VoIP 2:17-48), comprising:

- a. Receiving an incoming call at an IP telephony gateway (inherently part of gateways 108, shown on Fig. 1 and 2, connected to IP calls originating terminals 104, wherein the calls are directed to a gatekeeper 100 2:35-57),
- b. Reading at least one current performance indicator value provided by the monitoring mechanism for monitoring the performance quality of plurality of ongoing calls for a number of lost packets at central server (reading the congestion information at server 112 on Fig. 2, received from monitors 110 8:21-37, monitoring a plurality of ongoing calls 8:8-12, wherein the RTCP packets are monitored for packet loss rate 8:12-20, as an current performance indicator value indicating a number of lost packets), and
- c. Central server determining if the incoming call is to be accepted or rejected based on the read at least one performance indicator value (inherently part of the system, because gatekeepers are responsible for the new calls admission 2:49-63 and call

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admission control is recommended for VoIP calls based on the results of the congestion analysis 6:45-7:11).

Wan also teaches distributing the functionality of the central server to the gatekeepers (8:58-65).

Wan does not teach combining monitors and IP telephony gateways with respective gatekeepers with distributed central server functionality.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine monitors and IP telephony gateways with respective gatekeepers with distributed central server functionality of Wan to save cost, as the combination of units sharing some components costs less than separate units.

In addition, regarding claim 8, Wan teaches means for receiving an incoming call (inherently a portion of gateway 108, because receiving incoming calls is essential for the system operation, Fig. 1 and 2:40-57), means for reading indicator value (inherently portion of server 112, because reading the results from monitors 111 is essential for the system operation 8:30-33) and means for determining to admit the call (inherently a portion of server 112, because server 112 determines to admit or reject a new call 8:45-55).

In addition, regarding claim 15, Wan teaches an output signal indicating the result of admission determining (a signal from server 112 to the gatekeepers 100 shown as step 206 on Fig. 3 and 8:45-55).

2. Claims 5-7, 12-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan in view of Grabelsky (US 6,678,250).

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Wan substantially teaches the limitations of the claims (see the rejection above), including determining the incoming call admission based on the network performance and utilizing thresholds for the bandwidth management 2:57-62).

Wan does not teach determining the network performance, based on comparing the indicator value with a threshold and forming a function on at least one indicator value and compare it with predetermined threshold.

Grabelsky teaches determining the network performance, based on comparing the indicator value with a threshold (comparing performance parameters like packet loss, round trip delay and jitter with alarm thresholds and determining the network performance based on the comparison result by generating or not generating an alarm as shown on Fig. 6, steps 150 and 152 and 13:17-25) and forming a function on at least one indicator value and compare it with predetermined threshold (determining the round trip delay 8:7-23 and comparing the result with a threshold 13:17-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add determining the network performance, based on comparing the indicator value with a threshold and forming a function on at least one indicator value and compare it with predetermined threshold of Grabelsky to the system of Wan to improve the system call admission by using the comparison of monitored parameters with the predetermined thresholds making the determination of the network performance measurable and consistent.

Response to Arguments

3. Applicant's arguments filed 11/27/06 have been fully considered but they are not persuasive.

On pages 7-8 of the Response, Applicant argues that Wan teaches a centralized call acceptance control (CAC) and distributed monitoring solution, which is patentably different from performing CAC and monitoring performance at the IP telephone gateways.

Examiner respectfully disagrees.

Wan teaches a plurality of monitors 110 around the network to monitor the data traffic for RTCP packets, and a plurality of IP gateways 108 connected to IP call originating customers and gatekeepers to perform CAC as shown on Fig. 2 and 8:20-37.

Therefore combining monitors of the traffic with IP telephony gateways and gatekeepers is obvious to one of ordinary skill in the art at the time the invention was made to collocate and integrate the monitors with IP gateways and gatekeepers to save cost, as indicated in the claims rejection.

Applicant's arguments directed to claims amendments are not understood, as Examiner believes, that a gateway performing a function and a function performed at a gateway are identical from the patentability view, as both statements identify a gateway as the element to perform the function.

On page 9 of the Response, Applicant argues that gateway and gatekeeper functions are performed in separate layers and could not combined for this reason.

Examiner respectfully disagrees.

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The functional layers, referred by Applicant, are software concepts, which are known to be implemented in one device, for example, as programs sharing one processor.

On page 9 of the Response, Applicant argues that combining elements of Wan will not save costs in view of technical realities.

Examiner respectfully disagrees.

Applicant provided no information on the technical realities, which would prevent the cost savings.

Applicant's arguments directed to large scale network particulars are not convincing because the combination of elements of Wan in one device will save costs and operational.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7529. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'DL' followed by a stylized name.

Dmitry Levitan
Examiner
Art Unit 2616

**DMITRY LEVITAN
PRIMARY EXAMINER**